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Tennessee Valley Authority, 1101 Market Street, Chattanooga, Tennessee 37402

Oliver D. Kingsley, Jr.
President, Generating Group

February 1, 1994

Mr. James Lieberman, Director
Office of Enforcement
U.S. Nuclear Regulatory Commission
Washington, DC 20555

Gentlemen:

In the Matter of) Docket Nos. 50-327 50-390
Tennessee Valley Authority) 50-328 50-391

REPLY TO NOTICE OF VIOLATION AND PROPOSED IMPOSITION OF CIVIL PENALTIES
(EA 93-003)

Pursuant to 10 CFR 2.201, this letter and Enclosure 1 respond to the NRC's December 2, 1993, Notice of Violation (NOV) and Proposed Imposition of Civil Penalties regarding alleged acts of discrimination in violation of 10 CFR 50.7. Payment of the proposed civil penalty in the amount of \$200,000 was made by wire transfer reference No. 000663 on January 26, 1994. By letter dated December 17, 1993, the NRC approved TVA's request for an extension of time to respond to the NOV to February 2, 1994.

TVA recognizes the seriousness of the events set forth in the NOV. We have no doubt that workers who raise issues, especially issues regarding the safety and quality of TVA's nuclear plants, are providing an important service to TVA. Workers in the nuclear program are expected to raise safety and quality issues; no adverse consequences should ever result from workers doing so. The TVA Board of Directors and senior nuclear management have emphasized this principle over the last several years and recently reemphasized the principle.

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The four Section 210 complaints that are the basis for this enforcement action were filed more than four years ago--in 1988 and 1989. Given their age, these cases should not cause the NRC to question the positive atmosphere at TVA's nuclear plants today. Since these events occurred, TVA has implemented substantial and comprehensive action to foster a workplace where workers feel free to raise safety and quality issues. These actions have resulted in fundamental changes in the way TVA responds to safety and quality issues and have contributed to a more healthy and open work environment.

We are sensitive to the NRC's observation that our efforts have not yet been "fully effective in ensuring a climate where employees feel free to raise potential safety issues without fear of retaliation." While our efforts have been substantial, and while significant improvements in the workplace atmosphere have occurred, we acknowledge that there is still work to be done. Our reply to the NOV discusses additional measures to further encourage a work environment where workers are comfortable raising safety and quality issues and supervisors and managers are responsive in dealing with those issues.

One measure of the success of the programs TVA has initiated in recent years is the Section 210/211 cases themselves. The last two years have seen a substantial decrease in the number of cases filed against TVA's Nuclear Power program and its contractors. New cases have decreased from 35 and 32 cases in 1990 and 1991, respectively, to only 12 cases in 1992 and 14 cases in 1993. These data are discussed in our reply to the NOV.

Another indicator that reflects TVA's progress in fostering a positive work environment is the number of total complaints filed in the various TVA employee complaint systems (including union grievances, Merit System Protection Board claims, equal employment claims such as racial or sexual discrimination matters, Department of Labor Section 210/211 cases, and issues brought to the TVA Concerns Resolution Staff (CRS)). A review of complaints filed within these complaint systems since 1987 indicates that both total employee complaints and the complaint rate (which compares the number of complaints to Nuclear Power staffing levels) have declined substantially in recent time. For example, the average complaint rate in 1992 and 1993 is about half the average for the previous five years.

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The NRC's transmittal letter cites statistics from a TVA Office of the Inspector General (OIG) audit of the Concerns Resolution Program regarding contractors' awareness of that program and the effectiveness of the CRS. With respect to employee awareness, TVA recognized that the results of the OIG audit warranted serious consideration, and we took actions to improve employee awareness and the effectiveness of the Concerns Resolution Program. These efforts included employee communications, information releases, and special surveys, all aimed at increasing employee knowledge and awareness of the program.

With respect to program effectiveness, the objectives of the OIG audit were to determine if the CRS complied with its policies and operating procedures related to program scope and document retention, closed investigative cases in a timely manner, and added value by operating in an effective manner. The OIG audit found that the CRS generally complied with its policies and procedures related to program scope and document retention and that on the average, CRS and TVA management appeared to resolve concerns in a timely manner. The OIG also concluded that it could not assess CRS's effectiveness in resolving concerns due to a lack of available data.

The statistic contained in the OIG audit report regarding the effectiveness of the CRS (17 percent of the TVA employees surveyed indicated that CRS was ineffective) should not necessarily be regarded as an indication that the program has some problem in resolving safety and quality issues. We think it likely, based on the experience of the CRS, that those employees who have raised what can best be characterized as management and personnel issues--as opposed to safety or quality issues--are those who largely share the perception that the CRS is ineffective. We attribute this to the fact that management and personnel issues are outside the scope of the Concerns Resolution Program. However, employees who have raised nuclear safety or quality issues generally indicate they would use the program again.

We note that the field work for the OIG audit was conducted in early 1993. We believe that a more current measure of the CRS's effectiveness, and the willingness of workers in general to raise safety and quality issues, is found in the results of recent NRC inspections of the Concerns Resolution Program. Within the past seven months, NRC has performed inspections of the program at all four TVA nuclear plant sites. The results of those inspections have been uniformly positive and are discussed in our reply to the NOV.

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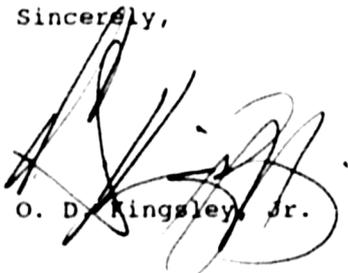
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In summary, the events in question and TVA's subsequent actions should be judged in light of the substantial progress we have made over the last five years to foster an atmosphere in which employees feel free to raise safety and quality issues without fear of reprisal, and supervisors and managers are duly responsive. We attribute that progress to the effectiveness of the programs we have put in place. The issue of harassment and intimidation continues to be an area of management focus and scrutiny. TVA is committed to ensuring that discrimination of workers, for whatever reason, will not be tolerated in the TVA workplace.

A list of commitments is included as Enclosure 2.

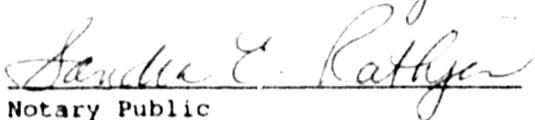
If you have any questions or would like to discuss these matters further, please telephone me.

Sincerely,



O. D. Kingsley, Jr.

Subscribed and sworn to before me
this 1st day of February 1994


Notary Public

My Commission Expires 2/94

Enclosures

cc: Mr. Stewart D. Ebnetter, Regional Administrator (Enclosures)
Region II
U.S. Nuclear Regulatory Commission
101 Marietta Street, NW, Suite 2900
Atlanta, Georgia 30323

REPLY TO NOTICE OF VIOLATION (EA 93-003)

Statement of the Violation

I. Violations Assessed Civil Penalties

10 CFR 50.7 prohibits discrimination by a Commission licensee, permittee, an applicant for a Commission license or permit, or a contractor or subcontractor of a Commission licensee, permittee, or applicant against an employee for engaging in certain protected activities. Discrimination includes discharge or other actions relating to the compensation, terms, conditions, and privileges of employment.

- A. Contrary to the above, William Dan DeFord, an employee of the Tennessee Valley Authority, who was employed as a "Senior Specialist" in the licensee's Engineering Assurance Department, was discharged in a reduction-in-force (RIF) which took effect on June 16, 1989. A U.S. Department of Labor Administrative Law Judge issued a Recommended Decision and Order (DOL Case 90-ERA-60) on April 29, 1992 which found that Mr. DeFord's discharge was an act of retaliation for engaging in protected activities. These protected activities included submitting a letter on March 29, 1989 to the TVA Board Chairman which outlined concerns about safety and management's inattention to existing safety problems.

This is a Severity Level I violation (Supplement VII). Civil Penalty - \$100,000

- B. Contrary to the above, Doris M. Luksic, employed as a Project Engineer/Technical Evaluator (SC-4) at the licensee's Watts Bar Nuclear Plant who wrote and pursued Conditions Adverse to Quality Reports (CAQRs) pertaining to nuclear safety, was discriminated against for engaging in these activities. On November 1, 1989, the District Director, U.S. Department of Labor, Employment Standards Administration, Wage and Hour Division, Nashville, Tennessee, issued the results of an investigation which found that Ms. Luksic had been discriminated against during the period of January 1989 to June 1989 when: (1) her name was removed from the Independent Qualified Reviewers List; (2) she was not reinstated to the list for Operations/Technical Specifications dated June 28, 1989; (3) efforts of members of Operations management at the Watts Bar Nuclear Plant interfered with her selection for a position as a Project Engineer in September 1988; and (4) Operations personnel generally engaged in harassment of her.

This is a Severity Level II violation (Supplement VII). Civil Penalty - \$100,000

II. Violations Not Assessed Civil Penalties

10 CFR 50.7 prohibits discrimination by a Commission licensee, permittee, an applicant for a Commission license or permit, or a contractor or subcontractor of a Commission licensee, permittee, or applicant against an employee for engaging in certain protected activities. Discrimination includes discharge or other actions relating to the compensation, terms, conditions, and privileges of employment.

- A. Contrary to the above, Frederick McCuistion, while working at Watts Bar, was discriminated against for engaging in protected activity in that he was terminated for refusing to participate in the removal and repair of instrument lines when a stop work order was in effect. Mr. McCuistion filed a complaint with the Department of Labor (DOL) on September 6, 1988. On February 1, 1990, the DOL Administrative Law Judge found that the termination of Mr. McCuistion was discriminatory and, on November 11 [13], 1991, the Secretary of Labor affirmed that decision in a Final Order (89-ERA-006).

This is a Severity Level II violation (Supplement VII).

- B. Contrary to the above, Frank Smith, while working at Sequoyah, was discriminated against for engaging in protected activity in that he was terminated for alleging that security was weak at the plant. Mr. Smith filed a complaint with the Department of Labor on October 29 [27], 1988. On October 1, 1991, the DOL Administrative Law Judge found that the termination was discriminatory and the case is still pending before the Secretary of Labor (89-ERA-012).

This is a Severity Level II violation (Supplement VII).

Admission or Denial of the Alleged Violations

TVA admits Violation I.A (William Dan DeFord).

TVA does not contest Violation I.B (Doris M. Luksic).

TVA does not contest Violation II.A (Frederick McCuistion), but regrets that there was not an opportunity to discuss the circumstances which provide the basis for the alleged violation at an Enforcement Conference or in correspondence with the NRC prior to issuance of this Notice of Violation (NOV).

TVA is postponing its response to Violation II.B (Frank Smith) until 30 days after receipt of the final ruling by the Secretary of Labor on Mr. Smith's Section 210 complaint (Case No. 89-ERA-12).

TVA wishes to clarify statements contained in the NOV to the effect that the Administrative Law Judge (ALJ) found that Mr. Smith, while working at TVA's Sequoyah Nuclear Plant, was terminated for alleging that security was weak at the plant. In fact, the ALJ found Mr. Smith's termination from his TVA employment at the Watts Bar Nuclear Plant to be valid, but his nonselection to the position of Watts Bar Site Security Manager to be discriminatory.¹ TVA also wishes to clarify statements in the NRC's transmittal letter indicating that Mr. Smith was the Sequoyah Site Security Manager. At the time the events at issue occurred, Mr. Smith was employed by TVA at Watts Bar.

Reasons for the Violations

Violation I.A

A DOL ALJ issued a Recommended Decision and Order in April 1992 finding that Mr. DeFord's termination was the result of discrimination for engaging in protected activities. Following issuance of the ALJ's April 1992 Recommended Decision, Mr. DeFord and TVA were able to reach a settlement of all claims except attorneys' fees and expenses. The Secretary of Labor approved the settlement agreement and remanded the case to resolve the outstanding claim for attorneys' fees and expenses. On December 22, 1993, the DOL ALJ issued a Recommended Supplemental Decision and Order awarding attorneys' fees and expenses to Mr. DeFord's counsel. TVA accepts the ALJ's April 1992 decision regarding Mr. DeFord's complaint.

An investigation by TVA's Office of the Inspector General (OIG) regarding several allegations raised by Mr. DeFord in his complaint resulted in determinations that Mr. DeFord had been harassed and intimidated in an April 1989 meeting for raising issues outside the chain of command, and that because Mr. DeFord had raised his concerns outside the chain of command, a subordinate manager's offer to create a position for Mr. DeFord during a reduction-in-force was declined.

The individual found to have harassed and intimidated Mr. DeFord in an April 1989 meeting was counseled on the inappropriateness of those actions. This individual subsequently resigned from TVA in March 1990 before the OIG had completed its investigation. As recommended by the OIG in its report on the matter, a restrictive code has been placed in the individual's personnel security file to ensure that the results of the OIG investigation are considered in the event he seeks reemployment with TVA.

1. See Recommended Decision and Order, Case No. 89-ERA-12 (October 1, 1991) at 18, 21.

Violation I.B

The DOL District Director's initial determination was not appealed, and thus the finding that Ms. Luksic was discriminated against became the final determination of the Secretary of Labor.

An investigation conducted by the TVA Employee Concerns Program (ECP) found that Ms. Luksic had not been harassed or intimidated, but did determine that two managers in the Watts Bar Operations Department had inappropriately attempted to influence a supervisor to select a reactor operator who worked for them for the vacant position. It was also determined that the individuals were primarily motivated by their opinion that the reactor operator would be a better choice for the position than Ms. Luksic and others who were not operators, and that their actions did not result in any adverse action.² In view of these findings, issuance of a violation of 10 CFR 50.7 is unwarranted. Because TVA desires to approach the case on a forward-looking basis and sees no value in debating events that are nearly five years old, the violation is not contested.

TVA implemented the relief awarded to Ms. Luksic by the Wage and Hour Division determination. Although Ms. Luksic disagreed and filed a lawsuit, the Federal district court and United States Court of Appeals for the Sixth Circuit both decided that TVA fully complied with DOL's decision.

The two individuals who attempted to influence the selection process were disciplined shortly after the incident and before the Wage and Hour Division made its determination. One individual was suspended for five days. The other individual, whose TVA employment was soon to end as a result of a reduction-in-force, was reprimanded by formal letter.

Violation II.A

TVA accepts the findings of the Secretary of Labor affirming the Recommended Decision and Order of the ALJ that Mr. McCuiston was discriminated against in violation of Section 210. TVA implemented the relief awarded to Mr. McCuiston by DOL.

The TVA OIG conducted field work but did not issue a final investigation report to TVA management on Mr. McCuiston's allegations. The OIG's initial findings were that Mr. McCuiston was harassed and intimidated by a Watts Bar Quality Control section supervisor and that the Watts Bar Site Quality Manager contributed to the harassment.

The Site Quality Manager voluntarily left TVA employment in 1990. A developmental plan was instituted for the Quality Control section supervisor in March 1992 which consisted of a combination of internal TVA training courses, external training, and on-the-job training and evaluation.

2. The TVA OIG did not investigate Ms. Luksic's complaint. Ms. Luksic's complaint predated Nuclear Power's practice of routinely referring Section 210/211 complaints to the OIG for investigation.

Corrective Steps Taken and Results Achieved

In addition to the remedial and disciplinary actions described above, TVA has implemented a number of substantial initiatives to address intimidation and harassment in the TVA workplace since the events in question occurred.

The initial steps taken in 1989 and early 1990 were directed primarily at improving the TVA infrastructure then in place to address Section 210 complaints. These early steps included implementation of new procedures for handling complaints and designation of a manager in the Nuclear Power organization to focus on harassment and intimidation issues. Additional training was provided to managers and supervisors at Watts Bar which stressed that any form of discrimination for raising safety issues was illegal and would not be tolerated by TVA management. Nuclear Power also instituted the practice of requesting that the TVA OIG investigate Section 210 complaints. An aggressive communications plan was carried out which informed workers of their duty to express safety and quality issues and reinforced to supervisors that harassment and intimidation of workers for raising such matters would simply not be tolerated.

As a result of a number of factors, including the results of the TVA OIG's investigation into allegations raised by Mr. DeFord, the TVA Board in May 1990 directed that an expedited, high-level review of the practices and procedures for dealing with differing views expressed by employees in the nuclear program be performed. This review was completed in July 1990 under the direction of Warren Cobean, Jr., advisor to the TVA Board. The Cobean team's report contained 26 recommendations in the areas of handling employee concerns and differing views, organizational stability, teambuilding, training, and personnel policies and procedures. Our continuing efforts to implement the recommendations have resulted in fundamental changes in the way TVA responds to safety and quality issues raised by workers.

One recommendation of the Cobean team was an increased emphasis on conciliation rather than litigation. To implement this recommendation, TVA formed a "DOL Task Force." The Task Force was given responsibility for handling and monitoring Section 210 complaints. Its initial charter was to evaluate pending complaints and recommend whether to pursue settlement or defend the claim. In recommending conciliation over litigation, the Task Force would consider a variety of factors.³ The DOL Task Force has been extremely successful in effecting settlements of Section 210/211 complaints where appropriate. Consistent with the Energy Reorganization Act and its implementing regulations, which contemplate and in fact encourage conciliation and settlement, TVA continues to seek to conciliate its Section 211 cases whenever possible.

3. The criteria used by the Task Force in considering whether to conciliate a complaint include whether settlement could or would: avoid litigation by TVA and its employee; mitigate public and employee perception of an adversarial attitude by TVA against its employees; encourage employees to be forthcoming in identifying safety issues to TVA management; demonstrate fairness in the treatment of complainants; promote the stated statutory and regulatory preference for agreement of the parties; correct misapplication or inconsistent application of personnel policies; and outweigh the cost of litigation.

In November 1990, the team assembled by Mr. Cobean issued a follow-up report of the implementation of the recommendations made in their original report. The results of this follow-up assessment included findings that "[o]verall it is clear that TVA Corporate and Nuclear Power management have forcefully and expeditiously commenced implementation of most of our recommendations." In particular, it was found that Nuclear Power's handling of employee concerns and differing views "has been greatly improved." The Cobean review team observed that the review of known and pending DOL cases by senior Nuclear Power managers had already resulted in settlement of some cases and "shows promise of other settlements." Another significant observation was that "[t]hese reviews and settlements have somewhat diffused the litigious environment." Special mention was made of the "ambitious, thorough communications improvement plan [which had] been developed to inform employees about differing views/employee concerns as well as matters such as general standards, communication philosophy, and Nuclear Power strategy"

These initiatives have resulted in a substantial decrease in the number of Section 210/211 cases filed against TVA. In 1990, when the actions described above were being initiated, 35 Section 210 cases were filed against TVA. A modest improvement was seen in 1991, when 32 cases were filed. Thereafter, the number of cases filed on an annual basis have decreased markedly. Only 12 cases were filed against Nuclear Power or its contractors in 1992, and 14 Section 211 cases were filed in 1993.

Few of the allegations raised in the 1992 and 1993 cases have been substantiated. The TVA OIG investigated 11 of the 12 1992 cases; none of the allegations were substantiated.⁴ The TVA OIG has completed six investigations on the 14 1993 cases. The allegations contained in five of the cases were not substantiated. The TVA OIG determined in the sixth case that a violation of TVA's policy on the Expression of Staff Views occurred. TVA's response to this finding was swift and decisive. We promptly took remedial action--the individual who acted in violation of TVA's policy was removed from his management position and subsequently elected to resign from TVA; we settled with the complainant.

4. The TVA OIG did not investigate one complaint because the person against whom the allegations were made was not employed by TVA at the time the acts which formed the basis for the complaint occurred. Similarly, the Wage and Hour Division did not substantiate discrimination in this case because the person was not employed by TVA at the time the acts which formed the basis for the complaint occurred and thus, could not act on TVA's behalf. DOL dismissed the complaint.

The results of the investigations conducted by the DOL Wage and Hour Division are generally consistent with the findings of the TVA OIG for cases filed in 1992.⁵ DOL Wage and Hour findings are pending for a number of 1993 cases.⁶

We believe this trend has resulted in large part from improved communications between supervisors and employees, increased management attention to and emphasis on employee protection matters, management involvement in employee relations issues, and early identification and prevention techniques such as the DOL Task Force. These initiatives were key elements of the program instituted in mid-1990.

TVA's progress is also demonstrated by the results of recent NRC inspections of the Concerns Resolution Program at Watts Bar, Sequoyah, Bellefonte, and Browns Ferry. NRC interviewed TVA and contractor personnel at each site; the stated objectives in conducting these interviews "were to evaluate the awareness and use of the licensee and contractor employee concerns programs, and to evaluate the willingness of persons to identify quality or safety concerns to their supervision or management without fear of retribution."⁷ In general, these inspection findings indicate that an atmosphere is being fostered at TVA where workers freely raise safety and quality issues.

5. The Wage and Hour Division found in favor of TVA or its contractor in seven of the 12 1992 cases. An eighth case was settled by TVA after an adverse Wage and Hour determination, even though the TVA OIG's investigation did not substantiate the allegations. In a ninth case, a Wage and Hour finding adverse to TVA was reversed following a hearing before an ALJ. DOL did not substantiate discrimination in the tenth case because the individual accused of the discriminatory act was not employed by TVA at the time the acts which formed the basis for the complaint occurred and thus could not act on TVA's behalf. DOL did not investigate the two remaining 1992 cases due to settlement and withdrawal of the complaint.

6. Seven of the 14 1993 cases are no longer pending before the Wage and Hour Division. In the three cases where investigations were completed, the Wage and Hour Division found in favor of TVA's contractor in one case, and against TVA or its contractor in two cases. The two adverse Wage and Hour findings are the subject of correspondence between TVA and NRC; TVA's responses to NRC's "chilling effect" letters are dated September 27, 1993, and February 1, 1994. Two complaints were resolved and subsequently withdrawn before investigations were completed by the Wage and Hour Division. Two complaints were dismissed without investigation due to the complainant's failure to present a prima facie case.

7. See, e.g., NRC Inspection Report Nos. 50-390/93-54 and 50-391/93-54 (August 26, 1993) at 13.

The Watts Bar inspection, conducted between July 19-30, 1993, included interviews with 378 persons working at the site. Among the inspectors' conclusions were that everyone interviewed, except one (who stated he had no issues) would raise safety or quality issues, if not through their supervision, Concerns Resolution Staff (CRS) or ECP, then to the NRC. The NRC also found that "[a]pproximately 95 percent of all persons interviewed would raise quality or safety concerns to their supervision."⁸

Interviews were conducted with 221 persons at Sequoyah during an NRC inspection conducted August 16-27, 1993. All persons interviewed indicated that they would report significant safety or quality concerns "if not to their supervision or through the ECP or CRS, then directly to the NRC." The NRC inspectors found that "[a]pproximately 98 percent of all persons interviewed would raise safety or quality concerns to their supervision."⁹

At Bellefonte, the NRC interviewed 66 persons during the inspection conducted between October 4-7 and 25-28, 1993. Everyone interviewed indicated that if they had a significant safety or quality concern, it would be reported to their supervision or to ECP or CRS. In addition, "[a]ll personnel interviewed indicated that they felt free to raise concerns to their immediate supervisor."¹⁰

The NRC inspectors interviewed 327 persons during the Browns Ferry inspection conducted in November and December 1993. Similar to the other sites, greater than 98 percent of those interviewed indicated that they would raise concerns to their supervision and greater than 97 percent of those interviewed would use either CRS or ECP. All persons interviewed, except one, indicated that they would report significant safety or quality concerns, if not to their supervision or through ECP or CRS, then to NRC. (The one exception was a person interviewed on his first day at Browns Ferry.) Of the 156 TVA employees interviewed, 153 indicated they would raise concerns to their supervisor. In addition, the NRC noted that, as compared with a survey conducted by TVA in March 1993, awareness of CRS and ECP programs had increased.¹¹

8. NRC Inspection Report Nos. 50-390/93-54 and 50-391/93-54 (August 26, 1993) at 15.

9. NRC Inspection Report Nos. 50-327/93-40 and 50-328/93-40 (September 16, 1993) at 12-13.

10. NRC Inspection Report Nos. 50-438/93-03 and 50-439/93-03 (November 22, 1993) at 7-8.

11. NRC Inspection Report No. 50-259/93-43, 50-260/93-43 and 50-296/93-43 (January 5, 1994) at 8-9.

TVA has taken additional steps to ensure that its contractor personnel feel free to raise safety and quality concerns. For a number of years, TVA has included language in contracts regarding employee protected activities. TVA's current model contract clause provides, among other things, that contractors must comply with Section 211 of the Energy Reorganization Act and aggressively pursue and investigate any employee allegation of discrimination for engaging in protected activity. Contractors are to cooperate fully with any investigation into allegations of harassment or intimidation conducted by the TVA OIG. Contractors providing onsite services are also required to comply with certain aspects of the TVA Concerns Resolution Program, which includes providing a mechanism for their employees and subcontractors to report safety and quality concerns, and providing an orientation which describes the contractor's program on employees rights, responsibilities, and methods for reporting safety and quality issues. The TVA CRS is also available to contractors.

Corrective Steps that Will be Taken to Avoid Further Violations

TVA has taken forceful steps in the nearly five years since the events in question occurred to foster an environment that invites the expression of safety and quality issues. The success of these initiatives indicates that no additional corrective actions are necessary to specifically respond to the NOV. However, over the next several months, TVA plans to implement several new initiatives at the Watts Bar site to further encourage an environment there where workers are comfortable raising safety and quality issues.

One such initiative is an awareness training plan for supervisory personnel. The training includes roles and responsibilities of both workers and supervisors in reporting and resolving employee concerns. Special emphasis is to be given to TVA's policy against discrimination for the raising of safety or quality issues. TVA will stress in this training that persons who discriminate against workers raising safety or quality issues will be subject to appropriate disciplinary action.

The Watts Bar site CRS is being strengthened. This will permit CRS to investigate more issues and to improve and increase interaction between CRS and line managers. Strengthening CRS will also allow the staff to become involved in more situations between workers and supervisors that raise the potential for a discrimination claim before a Section 211 complaint is filed. The objective of these efforts is to resolve the issue swiftly and equitably.

An enhanced communications plan is also being implemented at Watts Bar. One aspect of the plan is to increase awareness of the Concerns Resolution Program. Another aspect of the plan involves frequent meetings between senior site management and employees. Among the topics to be discussed in these sessions is TVA's commitment to resolve issues and the role of both workers and supervisors in resolving issues.

Date When Full Compliance Will Be Achieved

The policies and programs TVA has instituted against harassment and intimidation for raising safety concerns fully meet the requirements of Section 211 of the Energy Reorganization Act and 10 CFR 50.7 of the Commission's regulations. TVA is continuing its efforts to ensure that workers feel free to raise safety or quality issues.

ENCLOSURE 2

LIST OF COMMITMENTS

Thirty days after receipt of the final ruling by the Secretary of Labor on Mr. Smith's Section 210 complaint (Case No. 89-ERA-12), TVA will respond to Violation II.B.